



AGENDA
BOARD OF ZONING APPEALS MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
OCTOBER 28, 2019
5:30 P.M.

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Board of Zoning Appeals, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")

1. Call to Order/determination of quorum
2. Verification of Open Meetings Law compliance
3. Roll Call
4. Pledge of Allegiance
5. Approval of Minutes
 - a. October 23, 2017 - Regular Meeting
6. Recess and reconvene to gather additional information at vacant property identified by Tax Key: V10_0723, generally located on the corner of Lake Drive and Highland Avenue
7. Reconvene at Village Hall
8. PUBLIC HEARING
 - a. Discussion/Action regarding a variance application submitted by Kuechler Construction LLC. for property identified by Tax Key: V10_0723
9. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

5 a

5a.

1. Call to Order

Chairman Robert Bilda called the meeting to order at 6:04 p.m.

2. Verification of Open Meetings Law Compliance

Village Administrator Healy stated that the meeting notice had been posted at all three (3) U.S. Post Office buildings, Village Hall and online. Additionally, proper Class II Public Notice was published in the *West Bend Daily News*.

3. Roll Call

In attendance were Chairman Bob Bilda and Board Members: Jack Lietzau, Richard Schlei, Brian Gallitz, 1st alternate; Norb Weyer and 2nd alternate Jerry Wold.

Also Present: Village Administrator; Jim Healy and Village Attorney; John Macy.

Excused Absent: Board Member; Justin Perrault

4. Pledge of Allegiance

5. Approval of Minutes

a. May 30, 2017 - Regular Meeting

Motion by Board Member Gallitz to approve the regular meeting minutes from May 30, 2017; Seconded by Board Member Schlei; Motion passed without objection.

6. Recess and reconvene to gather additional information for the property located at, 1559 Lake Drive, Hubertus (Tax Key: V10_067900A).

Motion by Board Member Weyer to recess and reconvene at the property located at, 1559 Lake Drive (Tax Key: V10_067900A) at 6:10 pm; Seconded by Board Member Wold; Motion passed without objection.

Administrator Healy asked that they not discuss the variance petition on the way to or from the site location and stated that no questions and answers could take place at the site as well.

7. Reconvene at Village Hall

Motion by Board Member Weyer to reconvene at Village Hall at 6:40 pm; Seconded by Board Member Schlei; Motion passed without objection.

8. PUBLIC HEARING

- a. **Discussion/Action regarding a variance application submitted by Mr. George Lessmann for the property located at, 1559 Lake Drive, Hubertus (Tax Key: V10_067900A).**

Motion by Board Member Wold to open the Public Hearing; Seconded by Board Member Gallitz; Motion passed without objection.

EDITORS NOTE: Ms. Linda Chvosta, 5070 Lakeview Ave, Mr. Jim Healy, 4128 Hubertus Road, and Petitioner Mr. George Lessmann, 1559 Lake Drive, were sworn-in and stated their name and address for the record.

Mr. George Lessmann, 1559 Lake Drive stated his request for detached garage

Ms. Linda Chvosta, 5070 Lakeview Ave, stated she was concerned about safety and cars

Board Member Mr. Gerald Wold, asked if the septic was sized.

Administrator Healy presented his case as the Planning and Zoning Administrator for the Village of Richfield. The standards and caselaw relating to what constitutes unique property limitations, unnecessary hardships, and a compelling public interest were all discussed. The property currently has an accessory structure on it that the petitioner would proposed to demolish in order to build an accessory structure which exceeds the standards set forth in the Village Code.

Motion by Board Member Gallitz to close the Public Hearing at 7:40 pm; Seconded by Board Member Weyer; Motion passed without objection.

Board Member Mr. Brian Gallitz stated he didn't hear anything to compel him to grant a variance or to use the property in a manner prescribed by law.

Motion by Board Member Gallitz to deny the petitioned variance by George Lessman at 1559 Lake Drive due to failure to meet the unnecessary hardship and the property limitations that is required by Wisconsin State Statutes and to direct Staff to draft a formal decision letter regarding the variance petition, proceedings, and general outcome with the intention that this letter will be signed by the voting members of the Board of Zoning Appeals; Seconded by Board Member Schlei; Motion passed without objection.

9. Adjournment

Motion by Board Member Wold to adjourn; Seconded by Board Member Weyer; Motion passed without objection at 7:47 p.m.

Respectfully Submitted
Jim Healy
Village Administrator

8 a



VILLAGE OF RICHFIELD
BOARD OF ZONING APPEALS COMMUNICATION FORM
MEETING DATE: October 28, 2019

8a

SUBJECT: Variance Petition for Tax Key: V10_0723 – Kuechler Construction LLC.

DATE SUBMITTED: October 21, 2019

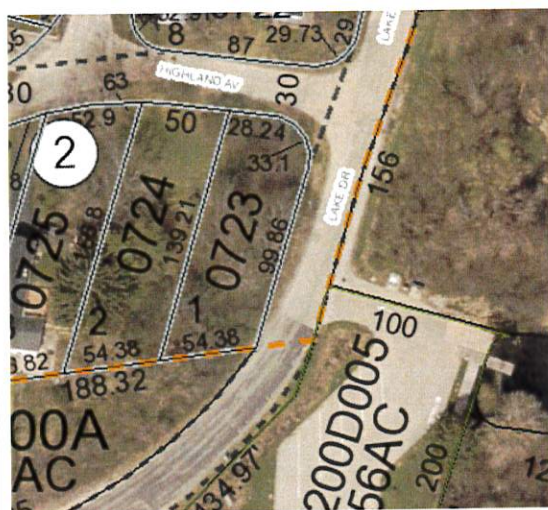
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE BOARD OF ZONING APPEALS BELIEVE THE APPLICANT MET THE BURDEN FOR PROVING AN UNNECESSARY HARDSHIP, UNIQUE PROPERTY LIMITATIONS, AND A COMPELLING PUBLIC INTEREST FOR THE REQUESTED VARIANCES?

ISSUE SUMMARY:

The issue before us tonight is whether the petitioner, Kuechler Construction LLC., has made a compelling case for the requested 'Area Variances'. Our applicant is requesting variances from Section 70.195(C), related to side yard, front yard, percentage of lot coverage and height of principal buildings. A Class II Public Hearing Notice was published in the Daily News on October 12th and 19th, respectively. On October 14th the attached memo was sent to all properties within 300' feet of the subject property, 25 properties in total. The memo described to property owners why they were receiving the notice, the nature of the variance petition, information regarding tonight's meeting, and how they can get more information on the development plans. At the time of this Communication Form, Staff had not received any written communication or feedback from the residents who received the notice, including the Friess Lake Advancement Association.

The subject property is zoned Rs-3, Single Family Residential District and is presently vacant. Kuechler Construction LLC. was denied a building permit to build a 2,322sqft home by the Village's Building Inspector in September of this year, showing the site is suitable for residential development. A State Sanitary Permit was issued by Washington County Planning and Parks employee Phil Gaudet on August 22nd of this year. The subject property is 0.16-ac (6,969.6sqft) and is valued at approximately \$30,000 for land, only. In terms of location, it is generally located west of the northernmost entrance to the Department of Natural Resource's Wild Marsh Landing. From the materials submitted, a survey was prepared back in February of 2007 by Mr. Michal W. Buechl, RLS from Pewaukee. The survey generally reflects the field conditions and right-of-way contours shown below from the Washington County GIS system.



Area variances provide an incremental relief (normally small) from a physical dimensional restriction such as building height, setback, or size thereof (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*). As you know, in order to legally grant a variance, the petitioner must prove three different criteria: **1) unnecessary hardship, 2) unique property limitations, and a 3) compelling public interest.**

In looking at the Zoning District in question, the Intent of the Rs-3 District is as follows:

"The Rs-3 Single Family Residential District is intended to accommodate only single-family residential uses in existence on the effective date of the ordinance from which this chapter is derived, and their accessory uses in existence on the effective date of the ordinance from which this chapter is derived within the older, established areas of the Village where such uses are

located on lots or parcels of land which are within predominately residential areas, are smaller than 65,000sqft in area, and were lots of record on the date of approval of this chapter." – 70.195(A)



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UNNECESSARY HARDSHIP

For this type of variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustment, 2004*). To determine whether this standard is met, our Board should consider the purpose of the zoning ordinance in question, its effects on the property, and the short-term, long-term, and cumulative effects of granting the variance (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*).

Applicant's Response:

"The zoning maps indicate that the Kuechler property is located in the Rs-3 zoning district Richfield code states that "There shall be a side yard of all structure not less than 10 feet and That a corner lot have 2 front yard of not less than 20 feet". However, In the design of the proposed House in todays standards shows a home footprint using 8 foot side yard and 9.82 foot front yard in this case being the side of house. Note: front of home is 22.96 front yard which meets current code along with back yard setbacks. As such, we are requesting a variance for the side yard and front yard which will be the side of house. We are also Requesting a variance for the maximum lot coverage. Currently the lot is 6,393 sqft. Where as the current plan calls for 2,322 sqft. So we are asking for a maximum Coverage of 37% of the lot and the Height Maximum be at 35'. Please see chart on next Page. The character of the surrounding neighborhood of the Kuechler property "HOFFMAN'S FRIESS LAKE HEIGHTS" consist of similar dimensioned lots with homes constructed using less side/front yard requirements. Although most of the existing homes were likely build prior to the current building code. allowing Kuechler to construct a home using a narrower side/front yard will conform to the existing character of the properties around this neighborhood and will enhance the area from a vacant overgrown lot of buckthorn and weeds to a beautiful new home with new landscaping.

In absence of a variance, the effect on the property's use and value would be damaging to the neighborhood and property value. Comparing the current zoning requirement with the proposed plat of survey yields the following results and an unnecessarily Hardship.

	Current Zoning	Variance Granted
Overall Lot Width	50'	50'
Side Yard	10'	08
Front (to be side)	20'	09.82'
Width available for home	20'	32'
Maximum lot coverage	25%	37%
Maximum Height	25'	35'

Under current zoning, the lot would be limited to a wide of only 20' resulting in a very small impracticable home noting that the back of the property is where the septic system will be installed. So that only leaves 36' in dept for the house footprint. With out the Variance would severely impact the ability and likelihood of using the property for the permitted purpose of building a single-family residence."



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Staff's Response:

Based on the response given, Staff is not convinced the petitioner has met this burden. It is the belief of Staff that the variance justification in question does not effectively state why compliance with the ordinances would unreasonably prevent the property owner from using the property for a permitted purpose (ie: construction of a single-family home) or to what degree compliance would be unnecessarily burdensome. For instance, Staff questions if the petitioner considered any other home footprint. With the survey being completed approximately 12 years ago, since that time no other alternatives were considered we can only assume because they were not brought up. Additionally, the petitioner is proposing a height variance which is a direct result of the design of the home.

70.135(F) entitled "Use Restrictions" states the following:

"Corner lots shall include street yard setbacks on all street fronting yards, but in such cases shall include no rear yard".

In the opinion of Staff, having corner lots with two (2) front yards is a generally accepted practice. In the chart above, the petitioner muddies the water by referring to the "Front" (yard setback) interchangeably with the "Side", which it clearly is not. Anecdotally, this is a common discussion had with property owners who have corner lots like this. Lastly, the property owner did little to address the reason for the 48% increase in size for the Maximum Percent of Lot Coverage other than saying it wouldn't be in character with the surrounding properties. Simply stated, the petitioner can build a single-family home on this property that complies with our Code. The petitioner has provided an exhibit in his submission showing the area that is the allowable building footprint. As a reminder, an applicant may not claim hardship because of conditions which are self-imposed (*State ex rel. Markdale Corp v. Bd of Appeals of Milwaukee, 1965; Snyder v. Waukesha County Zoning Board of Adjustments, 1976*). Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

UNIQUE PROPERTY LIMITATIONS

Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance (*State ex rel. Spinner v. Kenosha County Bd. Of Adjustments, 1998*).

Applicant's Response:

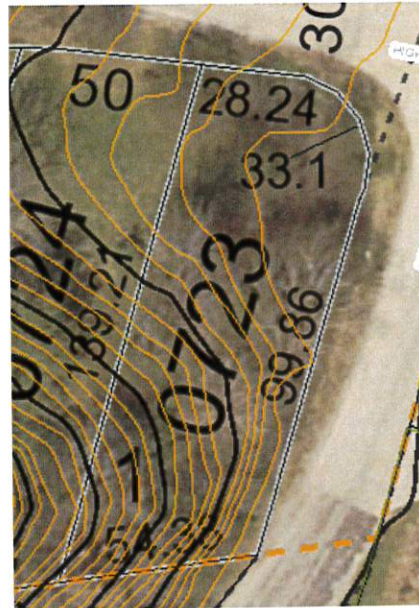
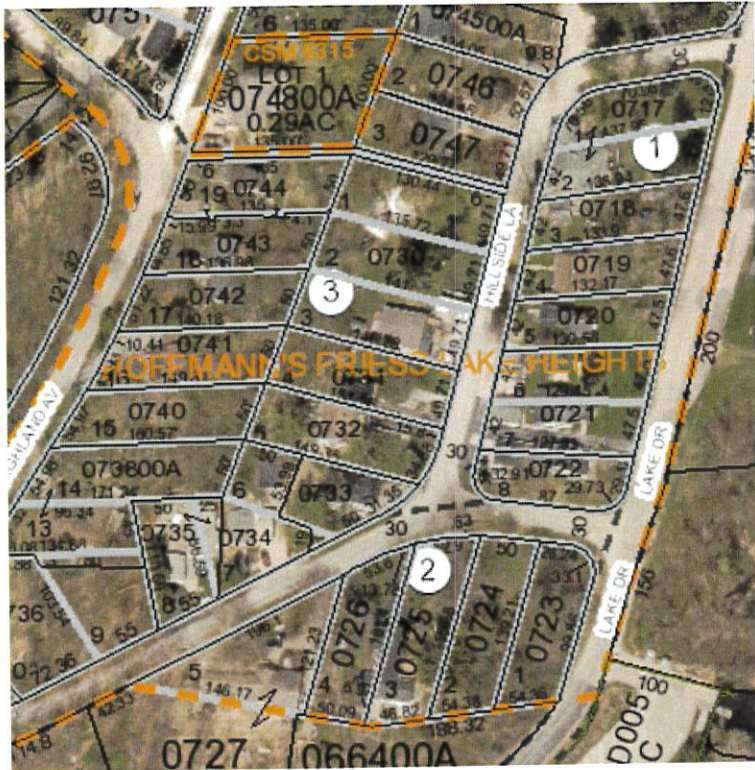
"The Most significant limitation is the narrowness of the property. With a width of approximately 50 feet, compliance with current zoning requirements would allow a maximum home wide of only 15 feet; the overall impact would severely limit the ability to construct a reasonably sized home of today's standards. Conformity with such restrictions would unnecessarily burdensome to the aesthetics of the neighborhood and economic value of the property."

Staff's Response:

Applicant's argument for having unique property limitations due to the width of the lot, in Staff's opinion, is not convincing. Pictured below is a Washington County GIS aerial overview of the Hoffman Friess Lake Heights's subdivision.



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Most of these lots are approximately 50' in width. So to say that is somehow "unique" I believe is a little misnomer because many of the properties on Friess Lake are at or near 50' in width. A more compelling argument would have been related to the topography on the property, for instance. As a reminder, the applicant may not claim hardship because of conditions which are self-imposed (*State ex rel. Markdale Corp. v. Bd of Appeals Milwaukee, 1965, Snyder v. Waukesha County Zoning Board of Adjustment, 1976*). Finally, economic loss or

financial hardship does not justify a variance (*State v. Winnebago County 1995; State v. Ozaukee County Bd of Adjustments, 1989*). Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

PUBLIC INTERESTS:

A variance may not be granted which results in harm to public interests (*State v. Winnebago County, 1995; State v. Kenosh County Bd. Of Adjustments, 1998*). In applying this test, the Zoning Board should review the purpose statement of the ordinance and related statutes in order to identify public interests. In light of public interests, zoning boards must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interest of neighbors, the community, and even the state. Review should focus on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in close proximity of the project.

Applicant's Response:

"We believe that if the variance is granted, there will be no harm to public interests. In fact granting the side/front yard variance would promote the interest of the Neighborhood and the community and Washington County in the following ways:

- *Allowing the ability to construct an appropriately size home to today's standards.*
- *Fortification and strengthening of surrounding property values*
- *County Real Estate Tax Revenue*



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- *Granting variance request will have a positive impact on neighborhood and property's values which will result in greater long-term real estate tax collections for Washington County*

Staff's Response:

In the Village, there are approximately 1,200-acres of property zoned Rs-3, Single-Family Residential District. Those 1,200 acres encompass 1,391 individual parcels, many of which are in the Village's older and more established areas of the community where residential growth has already occurred. From looking at the petition from a globalized perspective, one could make an argument that the diminutive request for relief may have a very little cumulative effect. However, it is clear from reading the Ordinance that the original framers of this section of Code contemplated that Staff would be administering the Code for smaller lots that are less than 65,000sqft. As such, you see a sliding scale for setbacks based on the width of lots, maximum lot coverage, and also several footnotes related to the allowable height of principle structures. In this case, the average height on abutting lots or parcels is not greater than 25' which would allow additional flexibility to the petitioner up to and including the requested 35' in height. Staff is of the mindset that the public interest is served best and the spirit of the ordinance is followed when citizens are allowed a reasonable use of their property as prescribed by the Village Code. Whether or not a home that is 20' wide is "reasonable" is subject to debate. More information will need to be gathered during the Public Hearing to see whether this standard has been met.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY:

Village Deputy Clerk

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: Yes

ATTACHMENTS:

1. Survey prepared by Michael Buechl RLS dated February 22, 2007
2. Proposed home design prepared by Zuern Building Projects dated August 29, 2019
3. Application materials submitted by Applicant
4. 70.195, Rs-3, Single-Family Residential District

STAFF RECOMMENDATION:

MOTION TO DIRECT STAFF TO DRAFT A FORMAL DECISION LETTER REGARDING THE VARIANCE PETITION, PROCEEDINGS, AND GENERAL OUTCOME WITH THE INTENTION THAT THIS LETTER WILL BE SIGNED BY THE VOTING MEMBERS OF THE BOARD OF ZONING APPEALS AND A COPY OF SAID DOCUMENT WILL BE PROVIDED TO THE PETITIONER.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____

Village Staff Member

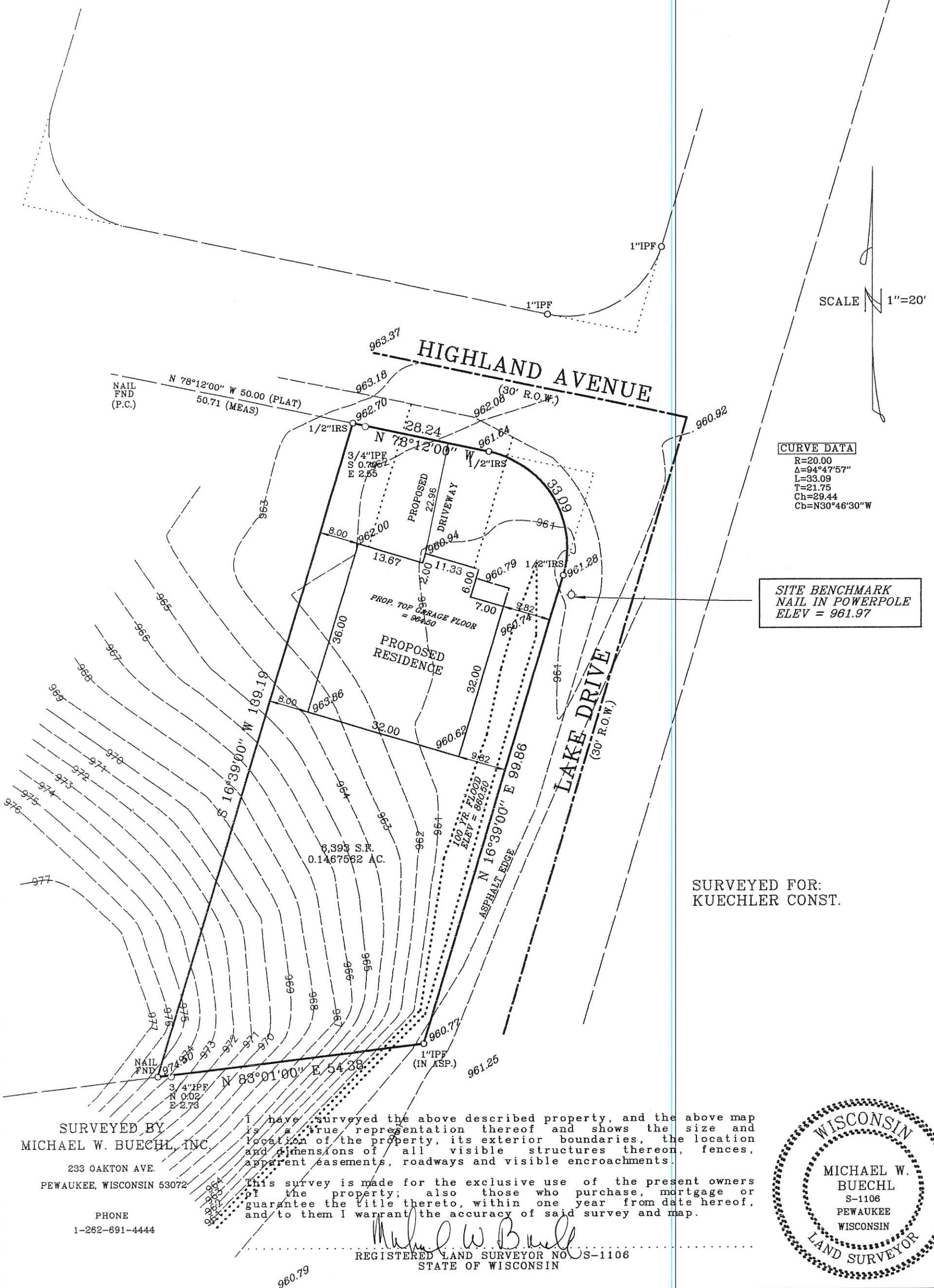
Village Administrator

SEPTEMBER 26, 2006
FEBRUARY 22, 2007 TOPO

PLAT OF SURVEY

RI-6626-W

LOT 1, BLOCK 2, HOFFMAN'S FRIESS LAKE HEIGHTS, lying in the Southeast 1/4 of Section 18, Township 9 North, Range 19 East, in the Town of Richfield, Washington County.





RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THE PLANS AND CHECKING THEM FOR ACCURACY, THE OWNER/CONTRACTORS FOR THIS PROJECT MUST CHECK AND VERIFY ALL DETAILS, FIELD CONDITIONS AND DIMENSIONS AND BE RESPONSIBLE FOR SAME. OWNER/ CONTRACTORS SHALL BE RESPONSIBLE FOR INSURING ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.

ALL STRUCTURAL NOTATIONS ARE FOR REFERENCE ONLY AND ARE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY ALL STRUCTURAL ENGINEERING TO MEET ALL STATE AND LOCAL CODES AND IS APPROVED BY THE STATE INSPECTOR AND STRUCTURAL ENGINEER

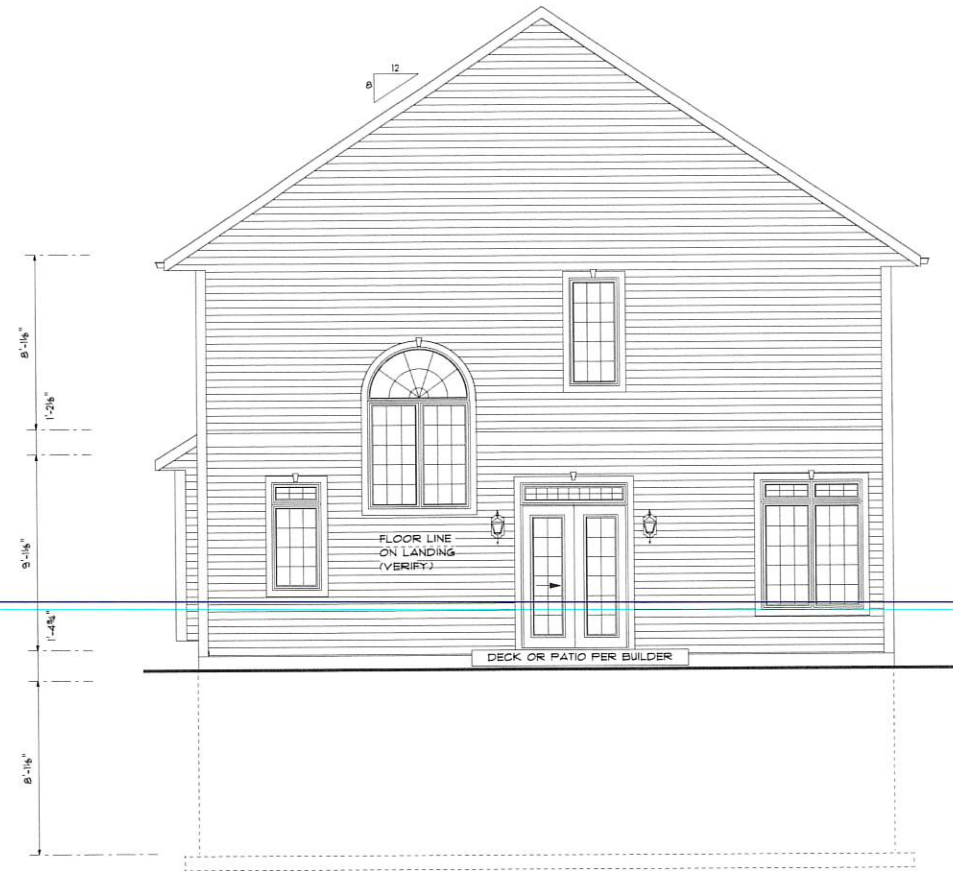
ALL EXTERIOR DIMENSION ARE TO FACE OF MASONRY OR SHEATHING. EXCEPT WHEN RIGID INSULATION IS USED, DIMENSION WILL BE TO FACE OF STUD.

ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD. WINDOW SIZES ARE FOR REFERENCE ONLY. OWNER/ CONTRACTOR TO VERIFY MANUFACTURER AND SIZE TO MEET ALL CODE REQUIREMENTS, INCLUDING EGRESS, LIGHT AND VENTILATION.

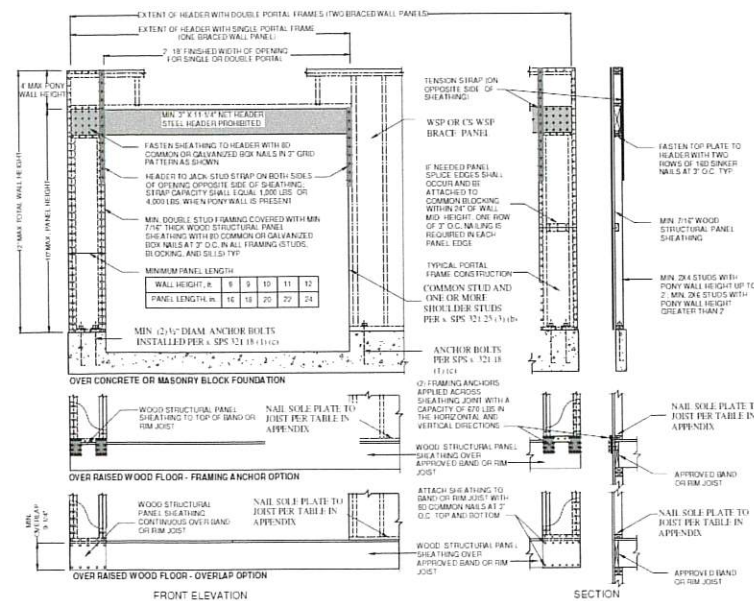
THESE PLANS AND DESIGN ARE COPYRIGHT PROTECTED AND MAY NOT BE USED WITHOUT WRITTEN CONSENT OF ZUERN BUILDING PRODUCTS

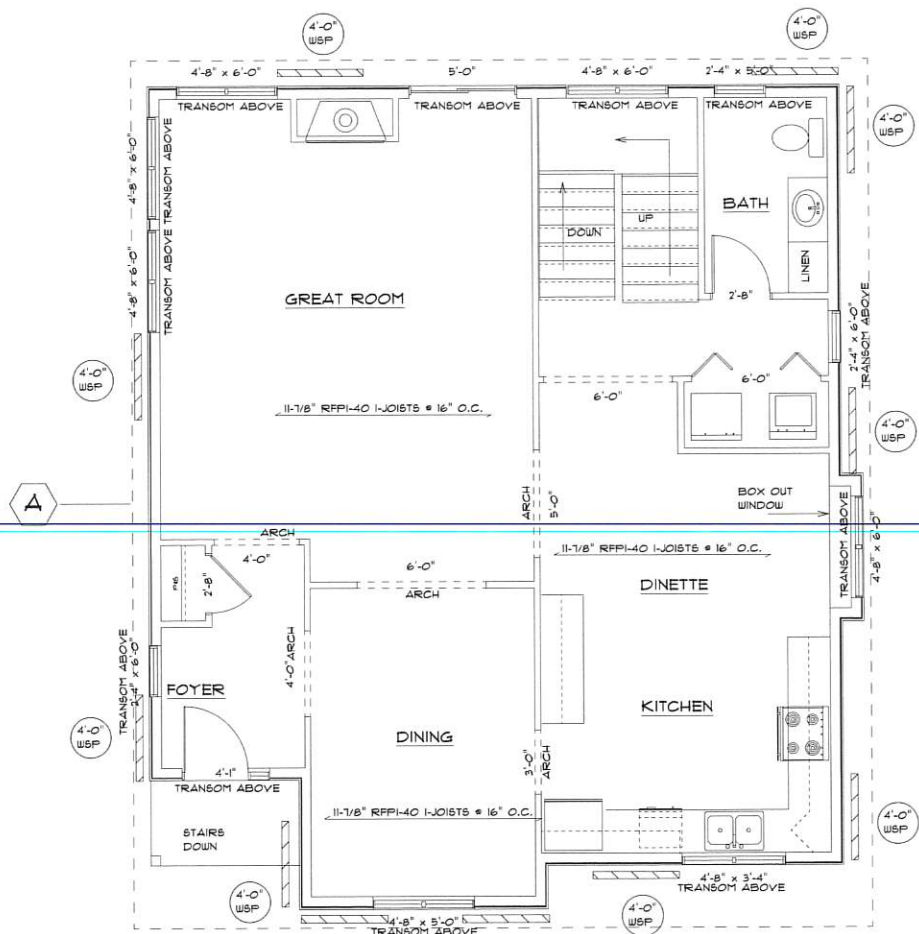


FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"





NOTE:
 ENTIRE STRUCTURE IS TO
 BE CONTINUOUSLY SHEATHED.
 PLEASE NOTE STRUCTURAL PANEL
 LOCATIONS MEETS MINIMUM CODE REQUIREMENTS.

ALL VERTICAL JOINTS OF PANEL SHEATHING
 SHALL OCCUR OVER, AND BE FASTENED TO
 COMMON STUDS. HORIZONTAL JOINTS IN BRACED
 WALL PANELS SHALL OCCUR OVER, AND BE FASTENED
 TO COMMON BLOCKING OF A MIN. OF 1 1/2" THICKNESS

- WALL TYPE ABBREVIATIONS
- WSP: WOOD STRUCTURAL PANEL 7/16" APA SPAN RATED SHEATHING FASTENED PER NAIL SCHEDULE
 - CS-WSP: WOOD STRUCTURAL PANEL IN CONTINUOUSLY SHEATHED WALL 7/16" APA SPAN RATED SHEATHING ALONG ENTIRE WALL LENGTH
 - G1: GYPSUM BOARD ONE SIDE, 1/2" THICK FASTENED PER NAIL SCHEDULE
 - WP: WOOD PLANKING MATERIAL MIN. 3/4" THICKNESS FASTENED PER NAIL SCHEDULE
 - G2: GYPSUM BOARD TWO SIDES, 1/2" THICK FASTENED PER NAIL SCHEDULE
 - RP: REINFORCED MASONRY WALL
 - CS-WSP-I: WOOD STRUCTURAL PANEL IN CONTINUOUSLY SHEATHED WALL 7/16" APA SPAN RATED SHEATHING AND INSULATING PANEL ALONG ENTIRE WALL LENGTH

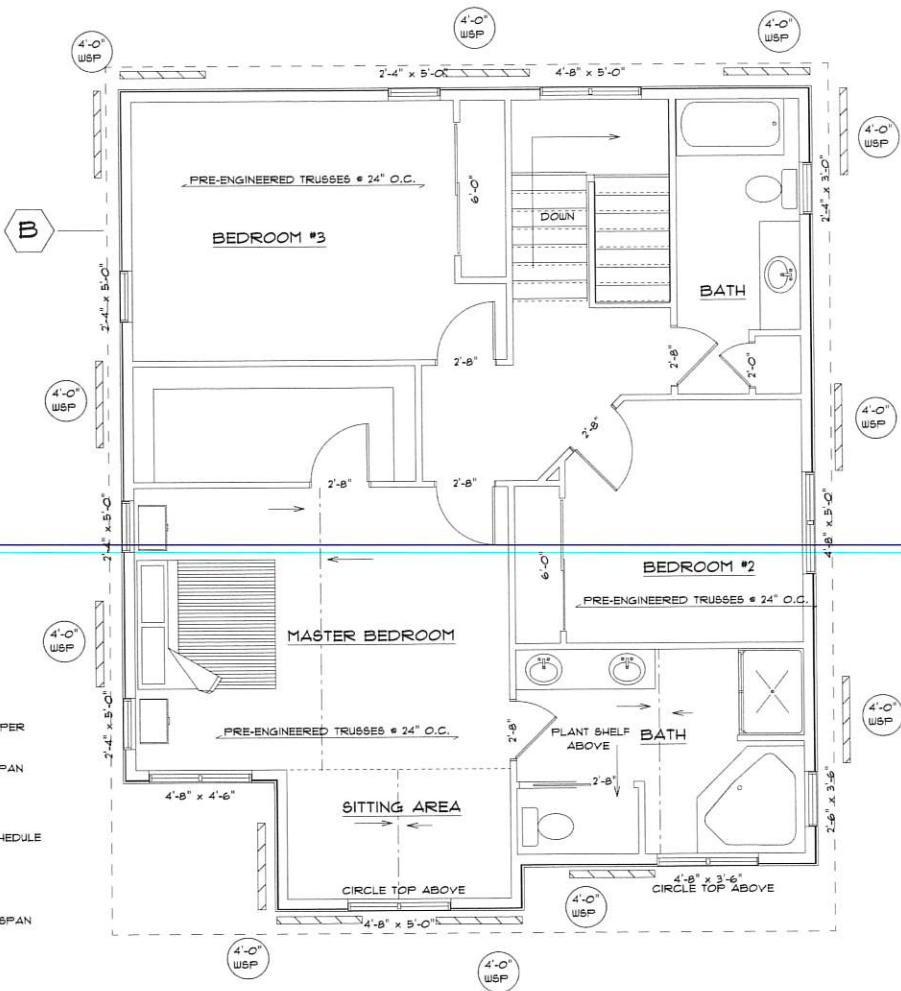


TABLE FROM WALL BRACING COMPLIANCE WORKSHEET

RECTANGLE: A WALL HT.= 9'-0"	ROOF PITCH= 8/12	MAX OPENING HT.= 8'-0"	WIND EXP.=B
WALLS SUPPORTING:	INTERMITTENT METHOD (LIB)	CONTINUOUS METHOD (CS)	PF METHOD (SEE FIGURE)
	DWB, WSP, SFB, GB,	WSP, CS-SFB) AND TOTAL	321.25-A). INDICATE
	PCPI AND # OF PANELS PER	LENTH REQUIRED PER TABLE	NUMBER OF PF PANES 16
	TABLE 321.25-I	321.25-J 13.8' S 10.4'L	24' WIDE PROVIDED.
	MIN. PANEL WIDTH (TABLE)	MIN. PANEL WIDTH (TABLE)	MIN. PF WIDTH (FIG.)
	321.25-G=	321.25-H)= 41"	321.25-A)=
	LONG SIDE SHORT SIDE	LONG SIDE 36' SHORT SIDE 32'	LONG SIDE SHORT SIDE
ROOF AND CEILING ONLY			
ONE FLOOR, ROOF AND CEILING X			
TWO FLOORS, ROOF AND CEILING			

L= LONG SIDE OF RECTANGLE
 S= SHORT SIDE OF RECTANGLE

RECTANGLE: B WALL HT.= 8'-0"	ROOF PITCH= 8/12	MAX OPENING HT.= 6'-8"	WIND EXP.=B
WALLS SUPPORTING:	INTERMITTENT METHOD (LIB)	CONTINUOUS METHOD (CS)	PF METHOD (SEE FIGURE)
	DWB, WSP, SFB, GB,	WSP, CS-SFB) AND TOTAL	321.25-A). INDICATE
	PCPI AND # OF PANELS PER	LENTH REQUIRED PER TABLE	NUMBER OF PF PANES 16
	TABLE 321.25-I	321.25-J 7.8' S 6.5'L	24' WIDE PROVIDED.
	MIN. PANEL WIDTH (TABLE)	MIN. PANEL WIDTH (TABLE)	MIN. PF WIDTH (FIG.)
	321.25-G=	321.25-H)= 32"	321.25-A)=
	LONG SIDE SHORT SIDE	LONG SIDE 36' SHORT SIDE 32'	LONG SIDE SHORT SIDE
ROOF AND CEILING ONLY X			

426 RAILROAD ST.
 ALLENTON, WI 53002
 PH. (262) 629-5551
 1-800-924-5551
 WWW.ZUERN.COM



KUECHLER CONSTRUCTION, LLC.

SCOTT KUECHLER (414) 560-8081

OWNER:

DATE 01/10/07
 REVISED
 01/18/07
 08/28/18
 DWG BY:
 GNF
 DRAWING NUMBER
 4 OF 4
 JOB# D947

HOME DESIGN / LUMBER / DOORS / WINDOWS / KITCHENS / SHINGLES / SIDING

Village of Richfield
Planning & Zoning Department
4128 Hubertus Road
Richfield, WI 53033

Sept 06 2019

Re: Kuechler Construction LLC
Request for Zoning Variance
PIN: V10_0723

Dear Planning & Zoning Members:

Thank you very much for your time. I would like to request a zoning variance pertaining to the vacant lot in the village of Richfield, Property ID # V10_0723 Corner of Highland Ave and Lake St. For your reference, I have included a GIS map marked with current zoning, and proposed zoning, and Plat of survey with proposed house placement.

We respectfully request that the village of Richfield planning & Zoning Department grant Kuechler a zoning variance allowing them to construct a home on there property that fits the property and conforms with the homes of today. We believe that Kuechler are eligible for an area variance and can satisfy the criteria defined in Wisconsin State statutes by demonstrating that current zoning restrictions on there property 1) cause an unnecessary hardship; 2) that the hardship is due to the unique Property limitations; and 3) that the requested variance will not harm the public interests.

1. Unnecessary Hardship

The zoning maps indicate that the Kuechler property is located in the Rs-3 zoning district Richfield code states that "There shall be a side yard of all structures not less than 10 feet and That a corner lot have 2 front yard of not less than 20 feet". However, In the design of the proposed House in todays standards shows a home footprint using 8 foot side yard and 9.82 foot front yard in this case being the side of house. Note: front of home is 22.96 front yard which meets current code along with back yard setbacks. As such, we are requesting a variance for the side yard and front yard which will be the side of house. We are also Requesting a variance for the maximum lot coverage. Currently the lot is 6,393 sq ft. Where as the current plan calls for 2,322 sq ft. So we are asking for a maximum

Neighbors and Community:

Allowing the ability to construct an appropriately sized Home to today's standards.


Fortification and strengthening of surrounding property values.

County Real Estate Tax Revenue:

Granting variance request will have a positive impact on neighborhood and Property's Value which will result in greater long-term real estate tax collections for Washington County

For the Reasons stated above We humbly request that u consider the facts and exhibits presented in the request and grant the proposed yard variance.

Very Truly Yours,



Scott Kuechler

Kuechler Construction LLC

Coverage of 37% of the lot and the Height Maximum be at 35'. Please see chart on next Page.

The character of the surrounding neighborhood of the Kuechler property "HOFFMAN'S FRIESS LAKE HEIGHTS"

consist of similarly dimensioned lots with homes constructed using less side/front yard requirements. Although most of the existing homes were likely build prior to the current building code. allowing Kuechler to construct a home using a narrower side/front yard will conform to the existing character of the properties around this neighborhood and will enhance the area from a vacant overgrown lot of buckthorn and weeds to a beautiful new home with new landscaping.

In absence of a variance, the effect on the property's use and value would be damaging to the neighborhood and the property value. Comparing the current zoning requirement with the proposed plat of survey yields the following results and an unnecessary Hardship.

	Current Zoning	Variance Granted
Overall Lot width	50'	50'
Side Yard	10'	08'
Front (to be side)	20'	09.82'
Width available for home	20'	32'
Maximum lot coverage	25 %	37 %
Maximum Height	25'	35'

70.195(C)
70.195(C)
70.195(C)

Under current zoning, the lot would be limited to a width of only 20' resulting in a very small impracticable home noting that the back of the property is where the septic system will be installed. So that only leaves 36' in depth for the house footprint. With out the Variance would severely impact the ability and likelihood of using the property for the permitted purpose of building a single family residence.

2. Unique Physical Property Limitations:

The Most significant limitation is the narrowness of the property. with a width of approx 50 feet, compliance with current zoning requirements would allow a maximum home width of only 15 feet; the overall impact would severely limit the ability to construct a reasonably sized home of today's standards. Conformity with such restrictions would unnecessarily burdensome to the aesthetics of the neighborhood and economic value of the property.

3. No Harm to public Interests:

We believe that if the variance is granted, there will be no harm to public interests. In fact granting the side/front yard variance would promote the interests of the Neighborhood and the community and Washington County in the following ways:

HIGHLAND AVENUE

(30' R.O.W.)

CURVE DATA

R=20.00
A=94°47'57"
L=33.09
T=21.75
Ch=29.44
Cb=N30°46'30"W

SITE BENCHMARK
NAIL IN POWERPO
ELEV = 961.97

SURVEYED FOR:
KUECHLER CONST.

YED BY
BUECHL, INC.

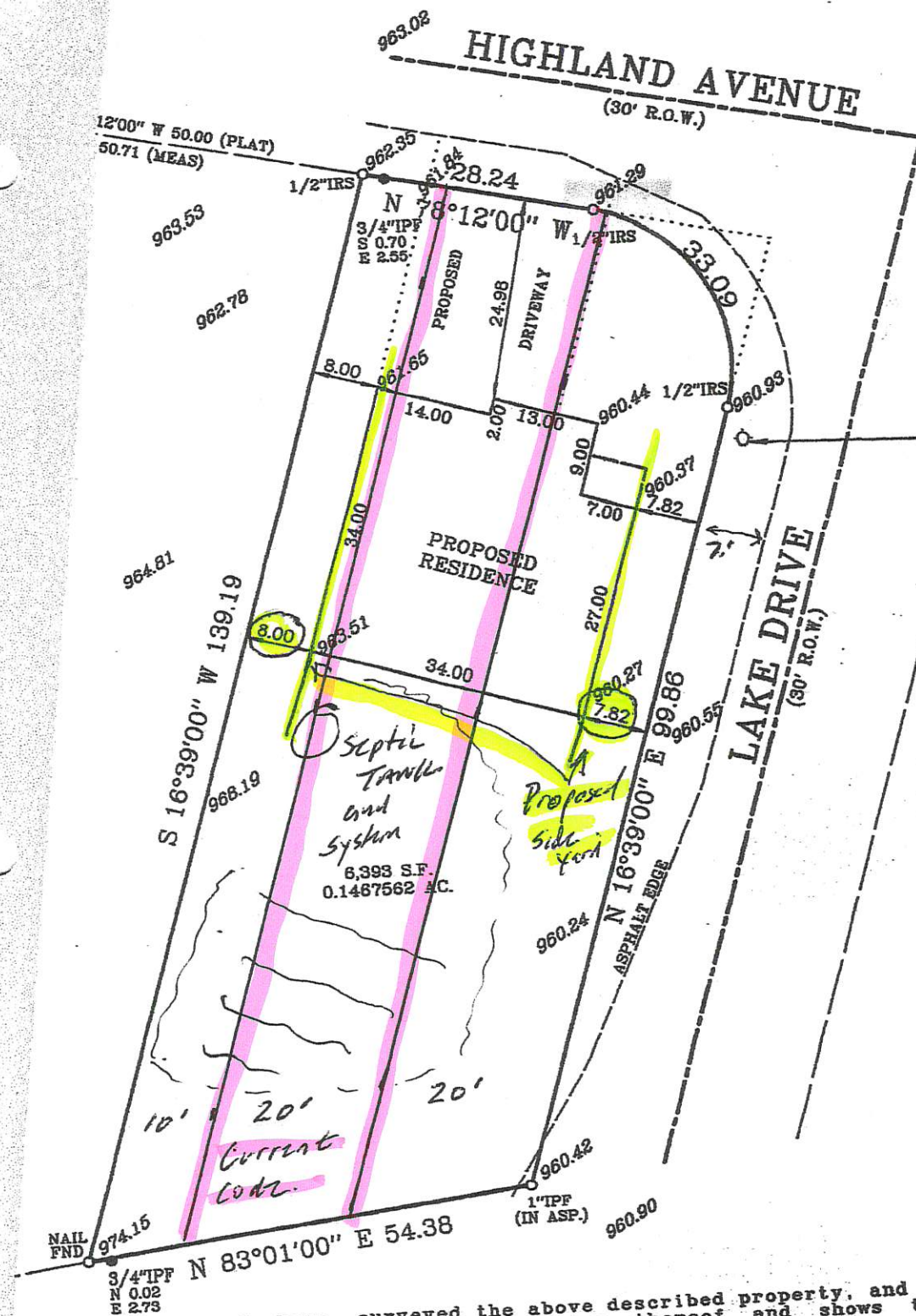
KTON AVE.
WISCONSIN 53072

PHONE
12-691-4444

I have surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, roadways and visible encroachments.

This survey is made for the exclusive use of the present owners of the property; also those who purchase, mortgage or guarantee the title thereto, within one year from date hereof, and to them I warrant the accuracy of said survey and map.

Michael W. Buechl
REGISTERED LAND SURVEYOR NO. S-1106
STATE OF WISCONSIN



Village of Richfield, WI
Tuesday, October 8, 2019

Chapter 70. Zoning

ARTICLE III. Districts

70.195. Rs-3 Single-Family Residential District.

[Ord. No. 02-11-02, § 1, 11-21-2002]

- A. Intent. The Rs-3 single-family residential district is intended to accommodate only single-family residential uses in existence on the effective date of the ordinance from which this chapter is derived, and their accessory uses in existence on the effective date of the ordinance from which this chapter is derived within the older, established areas of the Village where such uses are located on lots or parcels of land which are within predominantly residential areas, are smaller than 65,000 square feet in area, and were lots of record on the date of approval of this chapter.
- B. Reserved.
- C. Development. Development of vacant lots or parcels, the redevelopment of previously improved lots or parcels, and additions to or the expansion of existing dwellings or structures on lots or parcels located in this district shall conform with the requirements set forth in the following tables. Additions to and the expansion or replacement of existing dwellings and structures that currently do not meet the following requirements may be allowed under the nonconforming structure provisions in section 70.242.

Minimum Lot Width Feet (measured at actual building setback)	Minimum Building Setback Feet: Side Yard	Minimum Building Setback Feet Street Yard	Minimum Building Setback Feet Rear Yard	Maximum Dwelling Height Feet
0 to 60	10 ¹	20	50 ²	25 ³
61 to 70	15	20	50 ²	25 ³

Minimum Lot Width Feet (measured at actual building setback)	Minimum Building Setback Feet: Side Yard	Minimum Building Setback Feet Street Yard	Minimum Building Setback Feet Rear Yard	Maximum Dwelling Height Feet
71 to 80	20	20	50 ²	30 ³
81 to 90	20	20	50 ²	30 ³
91 to 100	25	20	50 ²	35
100 to 150	25	20	50 ²	35
150+	30	20	50 ²	35

Notes:

- ¹ But not less than 15 feet if resulting building setback from nearest existing structure on abutting lot or parcel is less than 15 feet.
- ² Or average of existing building setbacks on abutting lots or parcels whichever is less.
- ³ Plus one foot for each additional five feet of side yard building setback provided beyond minimum required, or, the average height on abutting lots or parcels if average > 25 feet, whichever is higher up to maximum of 35 feet.

Lot Area (acres)	Maximum Lot Coverage (percent of gross area)
0 to 0.50	0.25
0.51 to 1.0	0.15
1.1 plus	0.08

VILLAGE OF RICHFIELD MEMO

DATE: 10/14/2019
TO: RESIDENTS WITHIN 300' OF PROPERTY IDENTIFIED BY TAX KEY V10_0723
CC: KUECHLER CONSTRUCTION LLC.
FROM: JIM HEALY, VILLAGE ADMINISTRATOR
RE: PUBLIC HEARING SCHEDULED FOR 10/28 AT 5:30PM

You are receiving this memo because the Village of Richfield has received a petition to the Board of Zoning Appeals by the owner of a vacant lot identified by Tax Key: V10_0723, Kuechler Construction LLC. By law, we are required to give notification to all property owners within 300' of said property. A copy of that legal notice is attached herein. Rather than just providing the required legal notice, Village Staff likes to also supply property owners with a short memo outlining "why" the notice is being received.

The petitioner would like to construct a single-family home on the property and is requesting variances from applicable development requirements in the Rs-3, Single Family Residential District found in 70.195(C). Specifically, the property owner is requesting variances from the following development standards:

	Zoning Code Standard	Petitioned Variance	Deviation from Standard
Setback	10' – Side Yard 20' – Front Yard	8' – Side Yard 9.82' – Front Yard	2' Closer on Side Yard 10.18' Closer on Front Yard
Percent of Lot Coverage	25%	37%	12% Increase in Allowable Size
Maximum Height	25'	35'	10' Higher

On October 28th, the Board of Zoning Appeals will convene its meeting and then almost immediately call for a recess, so that the members of the Board of Zoning Appeals can go and physically visit the property. Given the time of year, our meeting time has been set for 5:30PM, so that the members have an opportunity to make it out to the Friess Lake area before the sun sets. While on the property, clarifying questions may be asked of the petitioner, but no formal action will be taken during the site visit. After the Board of Zoning Appeals has had a chance to view the property, everyone will then go back to Village Hall and members wishing to speak during the Public Hearing will be sworn-in. To qualify for a variance, the petitioner must present a case to the Board of Zoning Appeals that meets the standards set forth in Wisconsin State Statutes. The property owner must be able to state that there is a "compelling public interest", "unique property limitations", and an "unnecessary hardship" related to the proposal.

Copies of the proposed home plan and the complete application are available at Village Hall for public inspection during normal business hours. It is recommended that you call to set up a time to view these documents to ensure a member of our Staff will be present to answer any questions you may have. If you have additional questions, comments, or concerns, do not hesitate to reach out to me at your earliest convenience. I can be reached at (262)-628-2260 Ext. 115 or via email at Administrator@richfieldwi.gov.

Exhibit

